

VZCZCXRO1183

PP RUEHAG RUEHAST RUEHDA RUEHDBU RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA  
RUEHLM RUEHLZ RUEHROV RUEHSR RUEHVK RUEHYG  
DE RUEHSF #1613 3331013  
ZNR UUUUU ZZH  
P 291013Z NOV 06  
FM AMEMBASSY SOFIA  
TO RUEHC/SECSTATE WASHDC PRIORITY 2888  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE  
RUEHBM/AMEMBASSY BUCHAREST 0136  
RUCPDOC/DEPT OF COMMERCE WASHINGTON DC  
RUEHBS/USEU BRUSSELS

UNCLAS SOFIA 001613

SIPDIS

SENSITIVE  
SIPDIS

DEPT. FOR EUR/ERA, L/LEI ANDREW KELLER, EB/TPP/BTA &  
EB/TPP/IPE

E.O. 12958: N/A

TAGS: ETRD EISNLN EUN PREL BU

SUBJECT: BULGARIA SEEKS TO WITHDRAW FROM TWO BILAT TREATIES  
AND AMEND ONE, CITING EU

¶1. This is an action request, please see para. 4.

¶2. (SBU) On Nov. 24, Emilena Popova, Head of MFA's International Law Directorate, presented us with diplomatic note #54-00-17 proposing to terminate two U.S. - GOB bilateral trade agreements and to amend one. According to the three-part note, the GOB has reviewed the agreements against Article 133 of the Treaty of European Community and found them to be incongruent with EU's policy on common trade. It proposes the following:

-- To terminate the "Agreement for Protection of Intellectual Property Rights," concluded through a diplomatic note exchange on 28 April 1995 and entered into force on the same date. The GOB argues that the IPR protections offered in the Agreement are sufficiently covered by Bulgaria's international obligations (i.e. TRIPS) and its domestic IPR legislation. It proposes the Agreement be discontinued by mutual consent on Jan. 1, 2007. Should the USG agree, the GOB suggests that this note and the official USG response become the record of termination, to enter into force upon GOB's receipt of the response.

-- To terminate the Agreement between the Kingdom of Bulgaria and the USG on "Mutual Elimination of Legalizations of Certificates of Origin of Goods," concluded through a diplomatic note exchange on 5 January 1938. The GOB argues for termination because the treaty is outdated and not enforced. According to the note, Bulgaria does not require legalized certifications on U.S. imports because of U.S. status as "most-favored nation." However, some Bulgarian exports to the U.S. do require certification because they are imported under the General System of Preferences. Therefore, the GOB sees the Agreement as null and proposes the same dip-note procedure as above to terminate it.

-- To amend the Agreement on Trade Relations, signed on 22 April 1991 and entered into force 22 November 1991. In accordance with the Agreement's Article XVII, line 2, item (C), GOB proposes to remove Article I; Article II; Article VIII, line 2 and line 4, item (B); Article IX; Article XI; and Article XVI. The amendment is to become official through a dip-note exchange, to be made part of the original agreement, and to enter into force in accordance with Article XVII. No more detail on the substance of the Agreement was provided.

¶3. (U) Scans of the note in Bulgarian (with informed Embassy translation) will be transmitted via unclassified email to

Department's L/LEI.

¶4. (SBU) Post requests timely guidance for our response to the GOB. Ideally, we should reply before Jan. 1, 2007, especially if we disagree with Bulgaria's proposals.

BEYRLE